

Lexington, Kentucky July 7, 2005

The Council of the Lexington-Fayette Urban County Government convened in regular session on July 7, 2005 at 7:00 P.M. Present were Mayor Teresa Ann Isaac in the chair presiding, and the following members of the Council: Council Members Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane and McChord. Absent was Council Member Shafer.

The reading of the Minutes of the previous meeting was waived.

Ordinances No. 140-2005 thru 167-2005 inclusive and Resolutions No. 296-2005 thru 346-2005 inclusive were reported as having been signed and published, and were ordered to record.

Lexington, Kentucky July 7, 2005

The Invocation was given by Deacon Kenny Cropper, Cornerstone Baptist Church.

* * *

Upon motion of Mr. Farmer and seconded by Mr. Moloney, the minutes of the May 5, 19 and June 7, 2005 Council Meeting were approved by unanimous vote (Mr. Cegelka was absent when the vote was taken.).

* * *

The following ordinances were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 13

Nay: ----- 0

(Mr. Cegelka was absent when the vote was taken.)

An Ordinance changing the zone from an Interchange Service Business (B-5P) zone to a Planned Shopping Center (B-6P) zone for 1.33 net (1.53 gross) acres of property and from an Agricultural Rural (A-R) zone to a Planned Shopping Center (B-6P) zone for 2.04 net (2.13 gross) acres of property located at 1908, 1916, 1936 and 1990 Bryant Road. (Pleasant Ridge, LLC)

An Ordinance changing the zone from a Two Family Residential (R-2) zone to a Planned Neighborhood Residential (R-3) zone for 1.82 net (1.93 gross) acres of property located at 1171 Appian Crossing Way and 1173 Jones Trail, subject to certain use, density and buffering restrictions imposed as a condition of granting the zone change. (Arnold Real Estate & Construction)

An Ordinance changing the zone from a High Density Apartment (R-4) zone to a Neighborhood Business (B-1) zone for 0.15 net (0.26 gross) acre of property located at 400-402 North Limestone Street, subject to certain use restrictions imposed as conditions of granting the zone change. (Green Lantern Properties, LLC)

An Ordinance amending Section 23A-6(d) of the Zoning Ordinance to allow an existing facility with a valid conditional use permit to not become a non-conforming use if rezoned to an expansion area category.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$112,500.00 Federal

funds, are for creation of a cold case homicide squad, the acceptance of which obligates the Urban County Government for the expenditure of \$37,500.00, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY2006 Schedule No. 11, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirement for funds for capital, and appropriating and re-appropriating funds, Schedule No. 17.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for funds for debt service for street resurfacing, and appropriating and re-appropriating funds, Schedule No. 18.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Heavy Equipment Mechanic, grade 111N, and creating one (1) position of Heavy Equipment Technician, Grade 113N, in the Div. of Fleet Services, and appropriating funds pursuant to FY 2006 Schedule No. 16.

An Ordinance amending Section 21-5 of the Code of Ordinances reallocating one (1) position of Signs & Markings Supervisor, Grade 113N, to Grade 115E, in the Div. of Traffic Engineering, and appropriating funds pursuant to FY 2006 Schedule No. 15.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Cabinet for Health and Family Services, which grant funds are in the amount of \$435,945.00 Federal funds, are for continuation of the New Chance Program at the Family Care Center (\$328,045.00), the Local Governance Council Project (\$57,900.00), and the Peers Educating Peers/Mentoring Project (\$50,000), in FY 2006, the acceptance of which obligates the Urban County Government for the local match expenditure of \$97,590.00 for the New Chance Program, \$13,810.00 for the Local Governance Council Project, and \$37,890.00 for the Peers Educating Peers/Mentoring Project, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 13, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute an Agreement with the Fayette Fiscal Court and Sandra Varellas, Fayette County Judge/Executive, for the FY 2006

County Road Aid Fund Program for Fayette County, establishing a budget of \$1,403,669.91, and appropriating funds pursuant to Schedule No. 14.

* * *

Upon motion of Mr. McChord, seconded by Mr. Moloney and passed by unanimous vote, an Ordinance closing a portion of Plaudit Place, a public way determining that all property owners abutting the portion of the road to be closed have been identified and have consented thereto in writing, and authorizing the Mayor to execute a Quitclaim Deed and/or a Consolidation Plat transferring the former right-of-way to the abutting owners was placed on the docket and given first reading.

Upon motion of Mr. McChord and seconded by Mr. Moloney, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Moloney, Myers, Stevens, Stinnett, Wigginton, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 12

Nay: ----- 0
(Mr. Scanlon and Mr. Brown were absent when the vote was taken.)

* * *

Upon motion of Mr. Lane, seconded by Mr. Farmer and passed by unanimous vote, an Ordinance amending Section 23-5 of the Code of Ordinances creating twelve (12) positions of Firefighter, Grade 311N, creating two (2) positions of Fire Lieutenant, Grade 315N, and creating one (1) position of Fire Captain, Grade 316N, in the Div. of Fire, to become effective July 11, 2005 was placed on the docket and given first reading.

Upon motion of Mr. Lane and seconded by Mr. Farmer, the rules were suspended by unanimous vote. The ordinance was given second reading and passed by the following vote:

Aye: Moloney, Myers, Stevens, Stinnett, Wigginton, Cegelka, DeCamp,
Ellinger, Farmer, Gorton, Lane, McChord ----- 12

Nay: ----- 0
(Mr. Scanlon and Mr. Brown were absent when the vote was taken.)

* * *

The following ordinances were given first reading and ordered placed on file until July 12, 2005 for public inspection.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky Dept. of Education, Div. of School and Community Nutrition, to provide any

additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$52,000.00 Federal funds, are for operation of the nutrition program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 19, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Education, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$47,000.00 in Federal funds and Commonwealth of Ky. funds, are for the National School Lunch Program – 2006, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 20, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$22,071.00 Commonwealth of Ky. funds, are for operation of the drug task force in the Div. of Police, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 21, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$2,300,000.00 Commonwealth of Ky. funds, are for the provision of sanitary sewer service to households in the Bracktown, Cadentown and Wilderness Road areas under the Unsewered Areas Project, the acceptance of which does not obligate the Urban County Government for a local match, appropriating funds pursuant to FY 2006 Schedule No. 22, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$600,000.00 Commonwealth of Ky. funds, are for the Blue Sky Waste Water Treatment Plant Upgrade Project, the acceptance of which does not obligate the Urban County Government for a local match,

appropriating funds pursuant to FY 2006 Schedule No. 23, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Infrastructure Authority, which grant funds are in the amount of \$1,700,000.00 Commonwealth of Ky. funds, are for the North Elkhorn Diversion Pump Station and Force Main Project, the acceptance of which does not obligate the Urban County Government for a local match, appropriating funds pursuant to FY 2006 Schedule No. 24, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$2,085,711.00 Commonwealth of Ky. funds, are for police training incentive funds, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 25, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Firefighters' Training Incentive Program, which grant funds are in the amount of \$1,994,199.00 Commonwealth of Ky. funds, are for training incentive funds for firefighters, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 26, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Justice and Public Safety Cabinet, which grant funds are in the amount of \$57,500.00 Commonwealth of Ky. funds, are for expanding the Hope Therapeutic Program at the Detention Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY 2006 Schedule No. 27, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Agriculture, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$8,617.00 Commonwealth of Ky.

funds, are for the Animal Disposal Cost Share Program for FY 2006, the acceptance of which obligates the Urban County Government for the expenditure of \$8,618.00, subject to sufficient funds being appropriated in FY 2006, appropriating funds pursuant to FY 2006 Schedule No. 29, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Agreements with the Center for Women, Children and Families (\$20,000.00), Partner for Youth Foundation, Inc. (\$62,710.00), and the Board of Education of Fayette County, Kentucky (\$180,000.00), for the 2005-2006 Community Juvenile Justice Partnership Grant Program Services, at a cost not to exceed \$262,710.00, and appropriating funds pursuant to FY 2006 Schedule No. 31.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing two (2) positions of Community Corrections Officer, Grade 110N, and amending Sections 22-5 of the Code of Ordinances creating two (2) positions of Probation Officer, Grade 110N, in the Div. of Community Corrections and appropriating funds pursuant to FY 2006 Schedule No. 30.

An Ordinance amending Section 21-25, 22-22, 22-5(2), 22-53.2, and 23-28 of the Code of Ordinances providing a three and six tenths percent (3.6%) structure movement to the salary schedules applicable to classified civil service employees, unclassified civil service employees, Staff to Council, Traffic School Guards, and all non-bargaining unit sworn employees, and a three and six tenths percent (3.6%) increase to the top of the pay grade of Program Assistant - P/T; providing that all classified and unclassified civil service employees, except seasonal employees in account 332, who receive a satisfactory score on their performance evaluation, pursuant to Sections 21-29(d) and 22-26(5) of the Code of Ordinances, shall receive a five percent (5%) pay increase, to be effective retroactive to June 27, 2005; and amending Section 22-5 of the Code of Ordinances to increase the salary by five percent (5%) of one position of Friend of the Court, Grade 000, within the Office of the Circuit Judges, one (1) position of ABC Administrator – P/T, Grade 000, within the Office of Alcohol Beverage Control, three (3) positions of Law Clerk – P/T, Grade 000, within the Dept. of Law, three (3) positions of Skilled Trades Worker – P/T, Grade 000, within the

Div. of Community Corrections, one (1) position of Park Patrol Coordinator - P/T, Grade 000, and thirty (30) positions of Park Patrol Officer - P/T, Grade 000, within the Div. of Parks, to be effective retroactive to June 27, 2005.

An Ordinance amending certain of the budgets of the Lexington-Fayette Urban County Government to reflect current requirements for municipal expenditures, and appropriating and reappropriating funds, Schedule No. 12.

An Ordinance amending Section 2-251 of the Code of Ordinances, to update and revise the membership of the Domestic Violence Prevention Board.

An Ordinance amending Section 21-5 of the Code of Ordinances creating one (1) position of Staff Assistant, Grade 107N and creating two (2) positions of Code Enforcement Officer, Grade 113N, in the Div. of Building Inspection, effective upon passage by Council.

An Ordinance amending Section 21-5 of the Code of Ordinances creating two (2) positions of Staff Assistant Sr., Grade 108N, and amending Section 23-5 of the Code of Ordinances creating one (1) position of Police Sergeant, Grade 315N, all within the Div. of Police.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Social Services Coordinator, Grade 114E, and creating one (1) position of Program Administrator, Grade 117E, and reclassifying the incumbent, in the Dept. of Social Services, to become effective retroactive to March 16, 2005, and appropriating funds pursuant to Schedule No. 40 for FY2006.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Parks Maintenance Manager, Grade 114E and creating one (1) position of Operations Manager, Grade 116E and reclassifying the incumbent, in the Div. of Parks, to become effective retroactive to May 18, 2005, and appropriating funds pursuant to FY2006 Schedule No. 41.

An Ordinance adjusting the salary levels of Don Fisher, Recreation Manager, and William White, Public Service Worker Sr., in the Div. of Parks, and authorizing the payment of back salary and pension contributions to rectify the incorrect salary levels of the employees for FY 1999 through 2005; and appropriating funds pursuant to FY2006 Schedule No. 42.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Public Service Worker, Grade 106N, and creating one (1) position of Equipment Operator Sr., Grade 109N, and reclassifying the incumbent, in the Div. of Solid Waste, to become effective retroactive to March 16, 2005, and appropriating funds pursuant to FY2006 Schedule No. 43.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Communications Shift Manager, Grade 116N, and creating one (1) position of Communications Manager, Grade 117E, and reclassifying the incumbent, in the Div. of Fire, to become effective retroactive to June 22, 2005, and appropriating funds pursuant to FY2006 Schedule No. 44.

An Ordinance amending Section 21-5 of the Code of Ordinances abolishing one (1) position of Clerical Assistant Sr., Grade 106N, abolishing one (1) position of Staff Assistant, Grade 107N, abolishing one (1) position of Staff Assistant Sr., Grade 108N, abolishing two (2) positions of Administrative Specialist, Grade 110N, creating two (2) positions of Staff Assistant Sr., Grade 108N, and reclassifying the incumbents; creating one (1) position of Administrative Specialist, Grade 110N, and reclassifying the incumbent, all to be effective retroactive to April 20, 2005; creating one (1) position of Records Management Analyst Sr., Grade 113N, effective upon passage; creating one (1) position of Records Management Analyst, Grade 111N, and reclassifying the incumbent, to be effective retroactive to May 18, 2005; reallocating one (1) position of Council Clerk from Grade 117E to Grade 118E, and reallocating one (1) position of Deputy Council Clerk from Grade 114N to Grade 116E, all to be effective retroactive to May 18, 2005; amending Section 22-5 of the Code of Ordinances abolishing one (1) position of Administrative Specialist – P/T, Grade 110N, and creating one (1) position of Records Management Analyst – P/T, Grade 111N, and appropriating funds pursuant to FY2006 Schedule No. 45.

An Ordinance amending Section 22-5 of the Code of Ordinances creating five (5) positions of Staff to Council II, Grade 000E, in the Office of the Urban County Council.

An Ordinance amending Section 23-5 of the Code of Ordinances abolishing one (1) position of Pastoral Counselor, Grade 313E, and creating one (1) position of Police Officer, Grade 311N, and reclassifying the incumbent, in the Div. of Police.

An Ordinance authorizing the Mayor to execute a Purchase of Service Agreement with Blue Grass State Games, Inc., to organize, fund and conduct the Summer Blue Grass State Games, at a cost not to exceed \$22,500.00, and appropriating funds pursuant to FY2006 Schedule No. 32.

An Ordinance authorizing the Mayor to accept a Grant from the United Way of the Bluegrass, which grant funds are in the amount of \$442,950.00, are for continuation of the Building Bluegrass Bridges Program at the Family Care Center, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 33, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Office of Homeland Security, which grant funds are in the amount of \$220,764.00 Federal funds, are for continuation of the Metropolitan Medical Response System (MMRS), the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 34, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Governor's Office of Local Development, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$15,930.00 Commonwealth of Ky. funds, are for participation in the FY 2006 Area Development Fund, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 35, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Dept. of Education, which grant funds are in the amount of \$150,000.00 Federal funds, are for enhancement of the Tates Creek Elementary School Creative Activities Program, the Homework Huddle at Gainesway Community Empowerment Center, the Dare To Be You Program at Tates Creek Elementary School, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds

pursuant to FY2006 Schedule No. 36, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to accept a Grant from the Ky. Transportation Cabinet, which grant funds are in the amount of \$100,000.00 Federal funds, are for the design phase of the Grimes Mill Road Bridge Project, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, a match of \$25,000.00 being provided by the Commonwealth, appropriating funds pursuant to FY2006 Schedule No. 37, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the U.S. Dept. of Justice on behalf of the U. S. Attorney's Office, Eastern District of Ky., to provide any additional information requested in connection with this grant application and to accept this grant if the application is approved, which grant funds are in the amount of \$86,877.00 Federal funds, are for continuation of the Project Safe Neighborhoods Program, the acceptance of which does not obligate the Urban County Government for the expenditure of funds, appropriating funds pursuant to FY2006 Schedule No. 38, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute and submit a Grant Application to the Ky. Dept. of Juvenile Justice, to provide any additional information requested in connection with this grant application, and to accept this grant if the application is approved, which grant funds are in the amount of \$23,895.00 Federal funds from the Juvenile Accountability Block Grant (JABG) Program, are for funding of programs developed to promote greater accountability in the Juvenile Justice System, the acceptance of which obligates the Urban County Government for the expenditure of \$2,660.00, appropriating funds pursuant to FY2006 Schedule No. 39, and authorizing the Mayor to transfer unencumbered funds within the grant budget.

An Ordinance authorizing the Mayor to execute Change Order No. 1 to the Contract with D. S. Baesler Construction, for the Family Care Center Health Clinic Expansion Project, increasing the contract price by the sum of \$26,840.25 from

\$344,088.00 to \$370,928.25, and appropriating funds pursuant to FY2006 Schedule No. 46.

* * *

An Ordinance authorizing the Mayor to amend the Community Development Block Grant 2004 Consolidated Plan to include a new project, Bluegrass-Aspendale Boulevard Extended (\$200,000), and appropriating funds pursuant to FY 2006 Schedule No. 28 was given first reading with a public hearing being held.

The Mayor opened the public hearing and explained the procedures.

The following people spoke concerning the ordinance: (1) Mr. Bernard McCarthy, 515 Harry Street, (2) Ms. Dorothy Coleman, Community Development Alliance of Lexington, 736 Graftons Mill Lane, (3) Mr. Ed Prudence, President, Community Development Alliance of Lexington, (4) Mr. Erin Moseley, Phillips Memorial CME Church, (5) Mr. Mike Wilson, 612 W. Short Street, (6) Ms. Jeannette Terry, 434 Withrow Way, (7) Mr. Austin Sims, Director, Housing Authority, 2117 Rathbury Road, and (8) Mr. Tony Wilson, minister, Shiloh Baptist Church.

There was a discussion among the Council on the funds.

Mr. Moloney and Mr. Brown asked Ms. Irene Gooding, Div. of Community Development, to explain the project, the \$200,000 in grant funds, and other expenditures.

Mr. Wigginton made a motion, seconded by Mr. Brown, to table the ordinance until after the Council's summer break.

The motion failed to pass by the following vote

Aye: Stinnett, Wigginton, Brown, Farmer, Lane, McChord ----- 6
Nay: Moloney, Myers, Stevens, Cegelka, DeCamp, Ellinger, Gorton ----- 7
(Mr. Scanlon disqualified himself when the vote was taken.)

The ordinance was ordered placed on file until July 12, 2005 for public inspection.

* * *

The following resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 13
Nay: ----- 0
(Mr. Brown was absent when the vote was taken.)

A Resolution accepting the bids of Data Connect Enterprise, Native American Industries, Inc. (The Brothers Signal Co.), Traffic Control Products, Inc., Anixter, Inc., and Traffic Parks, Inc., establishing price contracts for traffic signal and control equipment, for the Div. of Traffic Engineering.

A Resolution accepting the bid of Spill Management Products, Inc., establishing a price contract for rain suits for the Div. of Solid Waste.

A Resolution authorizing the Mayor to execute a Five Year Lease with Kathleen Campbell Moore, for property located at 758 Phillips Lane, for a warehouse and storage for the Div. of Building Maintenance and Construction and the Div. of Environmental & Emergency Management, at a cost not to exceed \$46,200.00 per year, subject to sufficient funds being appropriated in future fiscal years.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and to accept a Deed conveying a temporary construction easement from Alma J. Bentley and Richard Eugene Bentley for property located at 666 East Loudon Avenue, for the Loudon Avenue Improvements Project, and authorizing payment in the amount of \$325.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Agreement with Kentucky Alltel, Inc. (d.b.a./a.k.a. Alltel Communications, Inc.) for non-emergency 3-1-1 service for an initial term of three (3) years, at a cost not to exceed \$5,400.00 for the first year, and subject to sufficient funds being appropriated in future fiscal years.

*

*

*

A Resolution accepting the bid of Machinex Technologies, Inc., in the amount of \$91,655.00, for a drum feeder for Recycling Center for the Div. of Solid Waste was on the docket for second reading.

Mr. McChord made a motion, seconded by Mr. Farmer and passed by unanimous vote, to amend the resolution to change the accounting for the bid recommendation to account #115-490-355-914 Line 2308.

Mr. McChord stated that this was not a material change and a new first reading was not required.

The resolution was given second reading as amended, and passed by the

following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 13

Nay: ----- 0
(Mr. Brown was absent when the vote was taken.)

*

*

*

A Resolution authorizing the Div. of Sanitary Sewers to purchase replacement Belt Press Allen Bradley Operator Interface equipment and services from Phoenix Process Equipment Co. for the West Hickman Wastewater Treatment Plant at a cost not to exceed \$34,652.59 was on the docket for second reading.

Mr. McChord made a motion, seconded by Mr. Cegelka and passed by unanimous vote, to amend the resolution to change the account from which payment will be made.

Mr. McChord stated that this was not a material change and a new first reading was not required.

The resolution was given second reading as amended, and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 13

Nay: ----- 0
(Mr. Brown was absent when the vote was taken.)

*

*

*

The following resolutions were given first reading. Upon motion of Mr. McChord and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolutions were given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

A Resolution accepting the bids of First in Rescue Equipment, Inc. and Vehicle Systems, Inc., establishing a price contract for breathing apparatus, for the Div. of Fire and Emergency Services.

A Resolution authorizing the Mayor to execute a Contract for FY2006 with Marsh USA, Inc., for the Fourth of July Special Events Policy, at a cost not to exceed \$23,000.00.

A Resolution authorizing the Mayor to execute an Amendment to Agreement with Young Women's Christian Association of Lexington, Ky., Inc., for operation of the Transition Plus Program for an additional year, at a cost not to exceed \$40,000.00.

* * *

A Resolution authorizing the Mayor to execute an Agreement with Cellco Partnership d/b/a Verizon Wireless, for a cell tower in Castlewood Park was on the docket for first reading.

Mr. Ellinger made a motion, seconded by Ms. Gorton and passed by unanimous vote, to amend the resolution to replace the agreement with a revised agreement which extends the time in which to exercise the option to Lease.

The resolution was given first reading as amended. Upon motion of Mr. McChord and seconded by Ms. Gorton, the rules were suspended by unanimous vote.

The resolution was given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

* * *

Upon motion of Mr. Lane, seconded by Ms. Gorton and passed by unanimous vote, a Resolution accepting the bid of FATPOT Technologies in the amount of \$224,500.00, for automatic vehicle location system for the Div. of Fire was placed on the docket and given first reading.

Upon motion of Mr. Lane and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

* * *

Upon motion of Mr. Lane, seconded by Mr. Moloney and passed by unanimous vote, a Resolution amending Resolution 320-98 to reflect the change in the name of the approved company which was granted an inducement pursuant to the Kentucky Jobs Development Act from American Horse Shows Association, Inc. to United States Equestrian Federation, Inc., effective retroactive to June 1, 2004, and taking other related action was placed on the docket and given first reading.

Upon motion of Mr. McChord and seconded by Ms. Gorton, the rules were suspended by unanimous vote. The resolution was given second reading and passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown,
Cegelka, DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

*

*

*

The following resolutions were given first reading and ordered placed on file until July 12, 2005 for public inspection.

A Resolution accepting the bid of Neil Huffman Nissan, in the amount of \$147,026.00, for automobiles – sedans, for the Div. of Fleet Services.

A Resolution accepting the bid of The Bri-Den Co., Inc., in the amount of \$64,000.00, for roof replacement at the Div. of Streets, Roads and Forestry Building #1.

A Resolution accepting the bid of Rehrig-Pacific Co. establishing a price contract for refuse roll carts, for the Div. of Solid Waste.

A Resolution accepting the bid of Bulk Plants, Inc. establishing a price contract for synthetic transmission fluid, for the Div. of Fleet Services.

A Resolution accepting the bids of Kentucky-Indiana Lumber Co. and Stock Building Supply establishing a price contract for lumber and plywood, for the Div. of Building Maintenance and Construction.

A Resolution accepting the bids of Brock McVey Co., Consolidated Electrical Distributors, Inc., Rexel Southland Electrical & DataCom and W. W. Grainger, Inc. establishing a price contract for bulbs and ballasts, for the Div. of Building Maintenance and Construction.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying fee simple right of way and a temporary construction easement from Group Six, Inc., located at 110 Mt. Tabor Road, for the Mt. Tabor Road Improvements Project, and authorizing payment in the amount of \$14,275.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Allison L. Rumble, located at 1755 Timber Creek Drive, for Phase I of the Brighton East Rail Trail Project,

and authorizing payment in the amount of \$3,350.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a temporary construction easement from Group Six, Inc., located at 114 Mt. Tabor Road, for the Mt. Tabor Road Improvements Project, and authorizing payment in the amount of \$7,250.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute an Amendment to Agreement with the Board of Education of Fayette County, Ky., for continuation of the 21st Century Community Learning Center Project for an additional year, at no additional cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Amendment No. 2 to the contract with CDP Engineers, Inc. for Elkhorn Park Drainage Improvements, Phase 1 and 2, increasing the contract price by the sum of \$28,000.00 from \$285,000.00 to \$313,000.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with D & D Machinery Movers and Millwrights, Inc., for screw pump removal, increasing the contract price by the sum of \$9,780.00 from \$24,425.00 to \$34,205.00.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Woodford Builders, Inc., for Recycling Center Expansion Project, increasing the contract price by the sum of \$40,252.95 from \$2,140,000.00 to \$2,180,252.95.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the contract with Brown Sprinkler Corporation, for Carver Community Center Fire Protection System, increasing the contract price by the sum of \$5,235.00 from \$134,581.00 to \$139,816.00.

A Resolution authorizing the Mayor to execute Change Order No. 3 to the contract with J.M. Crawford and Associates, Inc., for the design of Meadows/Northland/Arlington Public Improvements Project, Phase 2C, increasing the contract price by the sum of \$14,777.00 from \$254,298.00 to \$269,075.00.

A Resolution ratifying the probationary civil service appointments of: Myra Campbell, Staff Assistant Sr., Grade 108N, \$11.005 hourly, in the Div. of Sanitary Sewers, effective July 11, 2005; Wendell Green, Public Service Worker, Grade 106N, \$13.709 hourly, in the Div. of Solid Waste, effective July 11, 2005; Ladonna Tyler, Program Administrator, Grade 117E, \$1,671.12 bi-weekly, in the Div. of Youth Services, effective July 11, 2005; Robert Smith, Public Service Worker, Grade 106N, \$13.054 hourly, in the Div. of Solid Waste, effective July 11, 2005; Philip Thompson, Assistant Park Designer, Grade 110E, \$916.16 bi-weekly, in the Div. of Parks, effective July 11, 2005; Edyth J. Dabney, Community Corrections Captain, Grade 115E, \$2,108.16 bi-weekly, in the Div. of Community Corrections, effective July 11, 2005; ratifying the permanent civil service appointment of: William C. Faust, Vehicle and Equipment Technician, Grade 112N, in the Div. of Fleet Services, effective July 31, 2005; approving the probationary sworn appointments of: Jimmy Bowling, Kris Branham, Nathaniel Cornelius, Homer Day, Earl Denny, Chester Hager, Sean Ketron, Travis McQuinn, Adam Middleton, Justin Myatt, Christopher Oakley, Brian Plank, Paul Richards, Derek Roberts, Gregg Shroyer, Jason Sizemore, Ashley Womack, Firefighter, Grade 311N, \$15.13 hourly, in the Div. of Fire, effective July 25, 2005; approving leave of absence for: Tammy Vinegar-Ford, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from June 7, 2005 through July 27, 2005; Anita R. Lile, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, requests a leave of absence without pay from May 5, 2005 through July 12, 2005; approving the unclassified civil service appointment of: Jae L. Underwood, Program Administrator, Grade 117E, \$2,114.80 bi-weekly, in the Div. of Youth Services, effective July 11, 2005.

A Resolution amending section 2(b) of Resolution No. 252-2005 to change the reference for the new street address from 2999 Bowman Mill Road to 3001 Bowman Mill Road.

A Resolution authorizing the Mayor to accept a Donation of \$8,000.00 from the Center for Family and Community Services, for the Gainesway Community Empowerment Center to purchase items needed for the summer program.

A Resolution authorizing the Mayor to accept the Donation of a Helicopter, from the U. S. Government, for the Div. of Police.

A Resolution authorizing the Mayor to execute a Certificate of Consideration and accept a Deed conveying a permanent storm sewer easement and temporary construction easement from Ralph and Pam Miller located at 140 Cherokee Park, for the Dantzler Arcadia Cherokee Park Phase II Project, and authorizing payment in the amount of \$8,050.00, plus usual and appropriate closing costs.

A Resolution authorizing the Mayor to execute and submit a Grant Application to the Ky. Justice and Public Safety Cabinet and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$95,000.00 Federal funds, and are for continuation of the Motor Carrier Safety Assistance Program (MCSAP).

A Resolution authorizing the Mayor to execute and submit a Grant Application to the U. S. Dept. of Justice and to provide any additional information requested in connection with this grant application, which grant funds are in the amount of \$3,000,000.00 Federal funds, and are for enhancement of interoperable communications among public safety agencies in Fayette County.

A Resolution authorizing the Mayor to execute a Memorandum of Understanding with Bluegrass Workforce Investment Area, Bluegrass Chief Elected Officials, Bluegrass Workforce Investment Board, Bluegrass Area Development District, Office of Employment and Training, Office for the Blind, Office of Vocational Rehabilitation, Bluegrass Community and Technical College, Ky. Adult Education, Bluegrass Community Action Council, Dept. for Community Based Services, Foothills Community Action Partnership, and Ky. Farm Worker Program, for participation in the Fayette County Regional One-Stop Shop known as the Central Ky. Job Center, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Memorandum of Agreement with Dept. of Fish and Wildlife Resources, Commonwealth of Ky., for the stocking and managing of fish in Jacobson Park Reservoir, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Explorium of Lexington, for services to the community, at a cost not to exceed \$237,500 for Fiscal Year 2006.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Downtown Lexington Corporation, for the administration of programs to promote and revitalize downtown, at a cost not to exceed \$50,000.00.

A Resolution authorizing the Mayor to execute a Purchase of Service Agreement with the Lexington Downtown Development Authority, Inc., for provision of services as provided for in Code of Ordinances Article XXXX, at a cost not to exceed \$173,000.00.

A Resolution authorizing the Mayor to execute Purchase of Service Agreements with YWCA, Phillis Wheatley Center (\$10,000.00), The Salvation Army (\$100,000.00), Operation Read (\$27,550.00), Nursing Home Ombudsman Agency of the Bluegrass (\$45,000.00), Manchester Center (\$14,250.00), Hope Center (\$318,770.00), Environmental Commission (\$2,680.00), Community Action Council (\$163,260.00), Center for Women, Children and Families (\$22,060.00), Bluegrass Technology Center, Inc. (\$2,370.00), Bluegrass Rape Crisis Center (\$67,500.00), Comprehensive Care Center (\$194,750.00), Bluegrass Domestic Violence Program, Inc. (\$66,530.00), Bluegrass Community Action (\$20,000.00), Bluegrass Area Development District (\$71,810.00), and Baby Health Services (\$16,000.00), for various services to the Citizens of Lexington-Fayette County, at a cost not to exceed \$1,142,530.00.

A Resolution authorizing the Mayor to execute Agreements with the Lexington-Fayette Urban County Human Rights Commission (\$125,210.00) and Fayette County Legal Aid, Inc. (\$108,540.00), for purchase of services for FY2006, at a total cost not to exceed \$233,750.

A Resolution authorizing the Mayor to execute Second Amendments to Agreements with Ky. Transportation Cabinet, for extensions to June 30, 2006, for the Traffic Signal Installation Project, Alumni Drive Turn Lane Project, Bicycle and Pedestrian Enhancement Program, ITS Traffic Control Project, Congestion Management Study and Fiber Optic Installation Project, at no cost to the Urban County Government.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with The Walker Co. of Ky., Inc., for redesign of the leachate collection line for the Haley Pike Landfill Closure, increasing the contract price by the sum of \$19,028.50 from \$4,941,941.00 to \$4,960,969.50.

A Resolution authorizing the Mayor to execute Change Order No. 1 to the Contract with KYOVA Electric, for Athens Park Field "C" Sports Lighting, increasing the contract price by the sum of \$2,041.21 from \$104,773.00 to \$106,814.21.

A Resolution authorizing the Mayor to execute Amendment No. 6 to the Contract with American Consulting Engineers, PLC, for Newtown Pike Extension Project, increasing the contract price by the sum of \$949,886.00 from \$3,172,130.83 to \$4,122,016.83.

* * *

Upon motion of Mr. Farmer and seconded by Mr. Ellinger, the following communications from the Mayor were approved by majority vote (Mr. Farmer voted no): (1) recommending the appointment of Tom Sturgill to the Administrative Hearing Board with a term to expire 7-1-2007. Mr. Sturgill will fill the unexpired term of David Longenecker; (2) recommending the reappointments of David Stevens, Council Representative; Dennis Kelly, At-Large Representative; and Franklin Moosnick, former board member (non-voting), to the Emergency Medical Advisory Board with terms to expire 7-1-2009; (3) recommending the reappointments of Kevin C. Brown, At-Large Representative; Mariana Moore, Conservation Representative; Mary Witt, Farm Representative; and James S. Dinger, Geologist Representative, to the Greenspace Commission with terms to expire 7-18-2009. Also, recommending the appointments of Brian Hill, Landscape Architect Representative; Mark McCain, Builder/Developer Representative; Damon Schnyder, At-Large Representative; and Larry Ridenour, At-Large Representative, to the Greenspace Commission with terms to expire 7-18-2009; (4) recommending the appointments of Ginny Howard, At-Large Representative, and Bettye Burns, Paris Pike District, Fayette County Representative, to the Paris Pike Corridor Commission with terms to expire 7-1-2009; and (5) recommending the appointment of Fred Peters to the Parking Citation Appeals Board with a term to expire 8-21-2005.

* * *

The following communications were received from the Mayor for information only: (1) Resignation of Joseph Bryant, Code Enforcement Officer, Grade 113N, in the Div. of Building Inspection, effective July 8, 2005; (2) Resignation of Jeffery Cullipher, Community Corrections Officer, Grade 110N, in the Div. of Community Corrections, effective July 1, 2005; (3) Resignation of Stephen Parker, Community Corrections Officer, Grade 110N, in

the Div. of Community Corrections, effective June 24, 2005; and (4) Resignation of James Hale, Police Trainee, Grade 311N, in the Div. of Police, effective June 28, 2005.

*

*

*

The following communication was on the docket from the Mayor for information only: (5) Reinstatement of Marshall Stiltner, Police Officer, Grade 311N, \$1,334.00 bi-weekly, in the Div. of Police, effective August 8, 2005.

Upon motion of Ms. Gorton, seconded by Mr. McChord and passed by unanimous vote, the communication was amended to correct the effective date to make it August 21, 2005.

*

*

*

The report from the Div. of Building Inspection for the month of May, 2005 was received and ordered filed.

*

*

*

The following citizens spoke against Orchard Avenue being made a one-way street: (1) Ms. Robin Waller, 621 Orchard Avenue, and (2) Mr. David Cloyter, 616 Orchard Avenue.

The Mayor directed Ms. Waller and Mr. Cloyter to meet with Mr. Jay Whitehead, Commissioner of Public Works, on the issue.

*

*

*

Mr. Bernard McCarthy, 515 Harry Street, spoke about the Newtown Pike Extension and the need for more detailed drawings and information at public hearings.

*

*

*

An Ordinance changing the zone from an Agricultural Urban (A-U) zone to a Highway Service Business (B-3) zone for 2.91 net (3.45 gross) acres of property located at 4550 and 4560 Nicholasville Road, subject to certain use and buffering restrictions imposed as a condition of granting the zone change (Louis E. Hillenmeyer, III) was given second reading with a public hearing being held.

The Mayor opened the public hearing and asked whether there were any objectors present, and there were none.

Ms. Barbara Rackers, Div. of Planning, explained the requested zone change and filed the following exhibits: (1) Legal Notice, (2) Affidavit of notices mailed, (3) Listing of neighborhood area property owners, (4) MAR 2005-13, Final report and minutes of the Planning Commission, (5) Comprehensive Plan, (6) Zoning Ordinance with amendments, and (7) Land Subdivision Regulations.

Mr. Patrick Sullivan, attorney for the petitioner, stated that he agreed with the staff report, and filed the following exhibit: (1) Affidavit of sign posted.

Mr. McChord made a motion, seconded by Mr. DeCamp, to approve the following Findings of Fact for Conditional Approval of the Planning Commission:

1. The 2001 Comprehensive Plan recommends Retail, Trade and Personal Service future land use for the subject property.
2. The applicant has requested B-3 (Highway Service Business) zoning, which is in agreement with the recommendation of the Comprehensive Plan, as well as the US 27 Corridor Access Management Plan, which has been adopted by the Planning Commission.

Under the provisions of Article 6-7 of the Zoning Ordinance, the following uses are to be prohibited on the subject property:

- a. Establishments and lots for the display, rental, sale, service and minor repair of farm equipment, contractor equipment, automobiles, motorcycles, trucks, boats, travel trailers, mobile homes, or supplies for such items.
- b. Automobile service stations and convenience stores.
- c. Car washing establishments.
- d. Indoor amusements, such as billiard or pool halls; dancing halls; skating rinks; theaters, or bowling alleys.
- e. Drive-in restaurants and accessory drive-through windows within 250' of any residential zone.
- f. Minor automobile and truck repair.
- g. Parking lots and structures.
- h. Taxidermy establishments.
- i. Adult arcades, massage parlors, adult bookstores, adult video stores, adult cabarets, adult dancing and/or entertainment establishments, and sexual entertainment centers.
- j. Outdoor theaters.
- k. Outdoor recreational facilities, such as go-cart tracks; archery courts; skate-board and roller skating tracks; trampoline centers; rifle and other fire-arm ranges; water slides and other water-related recreational facilities, and other such uses.
- l. Passenger transportation terminals.
- m. Mining of non-metallic minerals.
- n. Above- or below-ground storage of any flammable material in gaseous form, including compressed natural gas.
- o. Pawn Shops.

These use restrictions are necessary and appropriate for the purpose of maintaining compatibility with the adjoining residential neighborhoods and the elementary school that is in the immediate vicinity.

In addition to the listed prohibited uses, the following landscape buffer is appropriate for the subject property under the provisions of Article 6-7 of the Zoning Ordinance, in order to maintain compliance with the “Landscaping and Buffering Plan: Final Report” of the US 27 Corridor Access Management Plan:

The right-of-way along the frontage of the property and within 50’ of that right-of-way should be landscaped and planted “in the character of the region, using groups and massing of indigenous planting material species. Any planting within the right-of-way should adhere to state permitting requirements.”

The motion passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

The ordinance passed by the following vote:

Aye: Moloney, Myers, Scanlon, Stevens, Stinnett, Wigginton, Brown, Cegelka,
DeCamp, Ellinger, Farmer, Gorton, Lane, McChord ----- 14

Nay: ----- 0

* * *

The Council adjourned at 8:38 p.m.

Clerk of the Urban County Council